



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Regional Directors
Regional Air Compliance Managers
Regional Air Permit Managers
Regional Enforcement Managers
Central Office Air Managers

CC: Jeffery A. Steers, Director, Central Operations

FROM: Michael G. Dowd, Director, Air and Renewable Energy Division *MGD*

SUBJECT: ACG-010: Air Compliance Guidance for Implementation of 40 CFR Part 60 Subpart WWW and 40 CFR Part 60 Subpart Cf

DATE: August 30, 2018

Purpose:

The purpose of this guidance is to provide clarification and promote consistency regarding the interpretation of specific 40 CFR Part 60 Subpart WWW requirements and the implementation of 40 CFR Part 60 Subpart Cf. This document supersedes any previous DEQ air compliance guidance regarding Subpart WWW.

Questions or comments concerning this guidance should be directed to DEQ's Office of Air Compliance Coordination.

Applicability:

This guidance is applicable to Municipal Solid Waste (MSW) landfills subject to Subparts WWW and/or Cf. Specifically, Subpart WWW¹ applies to each Municipal Solid Waste (MSW) landfill that commenced construction, reconstruction, or modification on or after May 30, 1991; Subpart Cf² applies to each existing MSW landfill that commenced construction, reconstruction, or modification before July 17, 2014.

¹ https://www.ecfr.gov/cgi-bin/text-idx?SID=7cd180aa762ce55c5208ac590b241554&mc=true&node=sp40.8.60.www&rgn=div6#se40.8.60_1750

² https://www.ecfr.gov/cgi-bin/text-idx?SID=c5c40500554351ce9879c6503d4f0fe0&mc=true&node=sp40.7.60.c_0f&rgn=div6

Background:

Specific provisions of Subpart WWW provide opportunities for potentially inconsistent implementation of the rule. In addition, EPA promulgated Subpart Cf³, which became effective October 28, 2016, and includes provisions that may overlap those in Subpart WWW. Therefore, DEQ collaborated with EPA, and consulted EPA's Applicability Determination Index (ADI) to clarify those provisions identified herein.

EPA promulgated Subpart WWW as a New Source Performance Standard (NSPS) and DEQ implements the provisions therein via direct delegation. EPA promulgated Subpart Cf as an Emissions Guideline (EG) that requires implementation through a revised state or federal implementation plan (i.e., SIP or FIP). The preamble to Subpart Cf states that sources currently subject to Subpart WWW must comply with the requirements in that rule until they become subject to the more stringent requirements in the EG (i.e., Subpart Cf).

As required by 40 CFR 60.30f, DEQ incorporated Subpart Cf requirements by reference into the Regulations for the Control and Abatement of Air Pollution as Article 43.1 of 9VAC5-40 (Existing Stationary Sources)⁴ as published in the Virginia Register of Regulations on January 9, 2017. In May 2017, EPA announced the agency is reconsidering several issues in the 2016 final rules for the MSW Landfill NSPS and EG, and on May 31, 2017, the EPA issued a 90-day stay on those rules. Because this 90-day stay expired on August 29, 2017, the 2016 rules are currently in effect; however, the EPA still intends to complete the reconsideration process granted by the Administrator (for current reconsideration status please check EPA's MSW Landfill NSPS/EG website⁵).

EPA will continue to work with states and stakeholders to develop a path forward on these separate but related actions. In the interim, MSW landfills subject to Subpart WWW must continue to comply with the requirements of that rule. DEQ will revise this guidance document appropriately based upon the outcome of EPA's reconsideration.

Clarifications:

To ensure DEQ inspectors utilize a consistent approach when making compliance determinations for MSW landfills, DEQ has determined that the following clarifications are necessary regarding the following provisions and related MSW landfill activities. For regulated activities not specifically mentioned here, the language of the applicable regulation applies.

1. 9VAC5-20-180⁶ requires facilities to notify DEQ of malfunctions that may cause excess emissions for more than one hour. Therefore, notification is required when:

³ http://www.ecfr.gov/cgi-bin/text-idx?SID=c5c40500554351ce9879c6503d4f0fe0&mc=true&node=sp40.7.60.c_0f&rqn=div6

⁴ <http://register.dls.virginia.gov/vol33/iss10/v33i10.pdf>

⁵ <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>

⁶ <https://law.lis.virginia.gov/admincode/title9/agency5/chapter20/section180/>

- The interlock associated with the gas mover system does not shut down the gas flow within 1 hour of a collection or control system failure; or
- The collection system is down for 5 days or more.

All reportable malfunctions are considered deviations and shall be included in the Title V Semi-annual Monitoring Report (SAMR) and Annual Compliance Certification (ACC). All control device outages must be reported in accordance with §60.757(f) of Subpart WWW semiannually pursuant to §63.1980(a) of Subpart AAAA.

2. §60.752(b)(2)(ii)(A)(3) requires active collection systems to collect gas at a sufficient extraction rate. Because wells in portions of the landfill not subject to Subpart WWW may be connected to the landfill gas collection and control system (GCCS), DEQ requests these wells be included in the monthly wellhead checks to demonstrate the GCCS is operating at peak efficiency.
3. §60.752(b)(2)(ii)(A)(4) requires that the GCCS be designed to minimize off-site migration of subsurface gas. Therefore, DEQ may request information pertaining to the boundary probes to ensure subsurface gas has not migrated off-site.
4. §60.753(g) states that monitored exceedances of the wellhead or surface operational standards that are corrected within Subpart WWW guidelines are not considered violations. However, all exceedances are considered deviations and must therefore be included in the Title V SAMR and ACC.
5. §60.755(a)(5) requires facilities monitor for exceedances and initiate corrective action when exceedances are identified. Therefore, the Subpart WWW semi-annual report must include all readings associated with wellhead re-checks, (i.e., pressure, temperature, and nitrogen or oxygen values) to demonstrate corrective action was taken and the well has been returned to compliance for all required parameters. This includes corrective actions that take more than 15 days, from the initial exceedance, as well as the start/end dates of the exceedance and the corrective actions taken to return the well to compliant status.
6. §60.755(a)(3) and (5) allow alternative timeline requests to correct exceedances for pressure, temperature, and nitrogen or oxygen respectively. To ensure a complete review and full consideration, requests must be received by DEQ within 90 days of the initial exceedance, and must include the following information:
 - Initial date of the exceedance;
 - Operating parameter or regulatory limit exceeded;
 - Measured value that exceeded the operating parameter or regulatory limit;
 - Date, details, and results of corrective actions taken; and,
 - List and schedule of additional corrective actions needed to return the well to compliance.

DEQ will evaluate all requests on a case-by-case basis; therefore, additional information may be requested. All continuing exceedances must be reported in accordance with §60.757(f) of Subpart WWW semiannually pursuant to §63.1980(a) of Subpart AAAA until DEQ approves the request.

7. §60.755(c) requires a quarterly surface emission monitoring (SEM) evaluation to comply with the operational standard provided by §60.753(d). The SEM evaluation must be conducted on a continuous basis along the traverse pattern outlined by §60.755(c). To ensure cover integrity and no migration or breakthrough, the SEM evaluation shall include the leachate collection system components, including but not limited to cleanouts, risers, surface collectors, horizontal collection trenches, sumps, manholes, and toe drains.
8. §60.756(e) requires sources with an alternate operating parameter provide DEQ information describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. To ensure compliance with this provision, the facility must continue to monitor methane concentration at wells with an approved HOV for temperature at least monthly to demonstrate that the elevated temperature does not significantly inhibit anaerobic decomposition by killing methanogens. Wellhead monitoring records must be maintained on-site and be available for inspection. Generally, DEQ considers methane production $\geq 45\%$ to be adequate, which is consistent with HOV approvals listed on the ADI⁷. DEQ may approve lower methane levels on a case-by-case basis, providing the facility submits appropriate data to support their request.
9. §60.757(f) requires an annual report and §63.1980(a) requires this report to be submitted semiannually to document proper operation of the facility's GCCS. To ensure complete and current information is available to inspectors, DEQ requests the facility include a list of all wells placed within the sections of the landfill that meet the criteria specified in §60.753(a), and the following information for each well:
 - Date of installation;
 - Date of initial operation;
 - Date of Subpart WWW applicability;
 - Current status;
 - All pending and approved alternate timelines; and,
 - All pending and approved Higher Operating Values (HOVs).
10. §60.758(d) requires a readily accessible plot map showing each existing and planned collector in the GCCS. Additional wells installed beyond those in the design plan must also be included in the plot map indicating whether they are, were, or will be connected to the GCCS.

Summary:

When evaluating MSW landfills for compliance with Subparts WWW, inspectors should rely on the language of the regulation and utilize this guidance when additional clarification is needed. DEQ will update this guidance as necessary to further clarify or offer additional clarifications. If additional information is needed regarding a specific issue, or if assistance is required on a case-by-case basis, inspectors should discuss the issue with their manager, and if necessary contact Office of Air Compliance Coordination staff.

⁷https://cfpub.epa.gov/adi/index.cfm?fuseaction=home.dsp_show_file_contents&CFID=11930645&CFTOKEN=96516136&id=0200002